

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
DEC 9 2003
JAMES BONINI, Clerk
CINCINNATI, OHIO

CARMEN CARTER

C-1-00-739

Plaintiff

Judge S. Arthur Spiegel

vs

THE E. W. SCRIPPS COMPANY

Defendant

MOTION TO VACATE COURT ORDER

Now comes Plaintiff, Carmen Carter, pursuant to Federal Rules of Civil Procedure 60(b)(1) beseeching the Court vacate its judgment granting summary judgment to the Defendant, The E. W. Scripps Company.

Under this rule -- providing relief from judgments or orders -- a litigant may seek relief for the following reasons: mistakes, inadvertence, surprise, or excusable neglect.

It further requires the motion be made not more than one year after the judgment, order, or proceeding was entered or taken.

Given that the order granting summary judgment to the Defendant is dated October 16, 2003, this motion is timely filed.

The Sixth Circuit Court of Appeals has a history of focusing on whether the movant has engaged in "culpable conduct". In *Amernational Industries v. Action-Tungstam, Inc.* 925 F.2d 970 (6th Cir. 1991), the Court concluded that in order for conduct to rise to the level of "culpable" for the purposes of a motion to vacate a default judgment, the "conduct of a defendant must display either an intent to thwart judicial proceedings or a reckless disregard for the effect of its conduct on those proceedings." *Id.* at 978 (quoting *INVST Financial Group, Inc. v. Chem-Nuclear Systems, Inc.*, 815 F.2d 391, 399 (6th Cir. 1987)).

In the *Amernational* case, the defendant repeatedly failed to comply with discovery requests and to pay court-imposed sanctions, but the Court nevertheless concluded the defendant's conduct did not rise to the level of culpability and vacated the default judgment. *Id.* at 972-973.

Since the withdrawal of the law firm Clodfelter & Gutzwiller, the Plaintiff has been financially unable to retain counsel. Confronted with the difficulty of finding a law firm to take Plaintiff's cases (including C-1-00-977) on contingency -- the Plaintiff has vainly been attempting to manage them herself. Suffering clinical depression since 1996 while in the employ of The Cincinnati Post -- the Plaintiff became too ill to defend

herself in Court.

During 2003, the Plaintiff was evicted from her home of 12 years, relocated, lost a series of important documents while moving and has been in the throes of grief since the recent death of her father. These matters collectively rendered the Plaintiff incapable of responding.

In the ~~Amer~~national case, the Sixth Circuit Court of Appeals also considered the defendant's lack of reckless disregard for the consequences of its actions constituted excusable neglect as contemplated under Rule 60(b)(1). Id. at 978.

Certainly, this Court recognizes the Plaintiff's illness is the sole reason she failed to respond, rather than any disregard for the consequences.

Some of the issues the Plaintiff wishes to address in a response include:

1) Under *Allis-Chalmers Corp. v. Lueck* (471 U.S. 202), U.S. District Court lacks jurisdiction because The E. W. Scripps Company does not meet the standards of the case under USC 29 Labor Management Relations Act.

2) The Plaintiff's original state complaint (A0004831) executes the statutory right seeking vacatur of the arbitration award for arbitrator bias, failure to disclose and fraud (i.e., perjured testimony leading to the award); Thus, under Ohio Revised Code 2711, the state of Ohio theoretically should have retained jurisdiction.

3) The failure of the Cincinnati Newspaper Guild to choose an arbitrator from a list of Federal Mediation and Conciliation Service arbitrators leaves the Plaintiff without redress over his conduct. The FMCS requires all arbitrators to disclose. Arbitrator Edward Goggin failed to disclose his prior contact with the Defendant.

Arbitrator Goggin had not only been quoted in articles published by the Defendant, he had prior to the Plaintiff's arbitration hearing, been arbitrator in a prior arbitration hearing in Memphis and found in favor of the Defendant.

4) As a result of the arbitrator's failure to disclose, the Plaintiff was deprived of the right to object to him sitting as arbitrator. Code of Professional Responsibility for Arbitrators of Labor-Management Disputes, written and adopted in collaboration with the American Bar Association by the FMCS, the American Arbitration Association and National Academy of Arbitrators, requires arbitrators to disclose.

5) Because *Allis-Chalmers Corp. v Lueck* has been superseded by *Lingle v Norge Division of Magic Chef, Inc.* (486 U.S. 399) and the Plaintiff is NOT required to have standing to appeal the tainted award.

6) The arbitrator exceeded his authority by ignoring the federal Americans with Disabilities Act in manifest disregard of the law.

7) The Cincinnati Newspaper Guild merely provided perfunctory arbitration representation.

8) The arbitration award does not emanate from the essence of the contract.

Now unemployed, the Plaintiff has applied for Social Security Disability/SSI. She is also asking the Court allow her to proceed In Forma Pauperis.

Although she has filed a Notice of Appeal of the Court's order, the Plaintiff is requesting the Sixth Circuit Court of Appeals stay all proceedings per the outcome of this motion.

In the interim, the Plaintiff is asking the Court to appoint counsel through the Volunteer Lawyer Project at the Legal Aid Society of Cincinnati.

Since this motion requesting the Court to vacate the default judgment will in no way prejudice the case of the Defendant, The E. W. Scripps Company -- the Plaintiff prayerfully request the Court grant this motion pursuant to 60(b)(1).

Respectfully submitted,

Carmen Carter

Carmen Carter
419 Probasco Street #7
Cincinnati, OH 45220
(513) 751-5076

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served by ordinary U.S. mail December 25, 2003, upon David Holcombe, Baker & Hostetler, 312 Walnut Street, Cincinnati, OH 45202 -- attorney for the Defendant, The E. W. Scripps Company.

Carmen Carter

Carmen Carter

Message list for CARTER 1/15/99 12:43:39

Don't forget to turn in your time cards today.
(METRO, MPHILIPPS, 1/15/99 11:30)

Then I'm not interested in story.
(SALVATO, 1/15/99 11:29)

No the cabbie's lawsuit was filed months ago. The point of the story wasn't that he'd filed the suit but the conduct of city & county officials & I doubt I can explain all that in 5 inches.
(SALVATO, CARTER, 1/15/99 11:29)

for oniter, pls write a short story on the cabbie's lawsuit, which I'm assuming was just filed. Also, I'm skedding noviolence16 on Bond Hill conference.
(SALVATO, 1/15/99 11:27)

Carmen, pls call Chief McCowen with Lincoln Hts. police; 733-1981.
(WHEATHERS, 1/15/99 11:06)

Can you believe despite the fact I've told them I'm NOT objective about Steve Reece, they're insisting that I go to this latest Reece self promotion event?!

(MOLONEY, CARTER, 1/15/99 9:36)

many thanks will be up shortly....
(ROETTING, CARTER, 1/15/99 9:34)

Yes I do
(ROETTING, 1/15/99 9:34)

Doris do you have any cars available?
(ROETTING, CARTER, 1/15/99 9:32)

Who called Tom Powell? Mr. Powell is a car wreck survivor whose injuries left him severely disabled, barely able to speak. He's not sure who called but wants to talk with whoever it was.
(CINTI, WHEATHERS, 1/15/99 9:17)

Please turn in your time cards today.
(METRO, MPHILIPPS, 1/15/99 8:00)

FYI x the call on that fire came in at 3:20 a.m. today.
(SALVATO, CARTER, 1/15/99 7:51)

finally found skul district flack...skul fire coming!
(SALVATO, CARTER, 1/15/99 7:42)

what about tomorrow?

(SALVATO, CARTER, 1/14/99 13:08)

on monday, plan to cover the MLK Day breakfast and write for final. Huba will cover the march and noon program.

(SALVATO, 1/14/99 13:06)

The Library will be closed this afternoon. Please bring key if you need access.

(CINTI, HAHN, 1/14/99 12:56)

Since when are you punished before you've had your day in court? that's the story.

(SALVATO, CARTER, 1/14/99 12:31)

I don't see what the story is.

(SALVATO, 1/14/99 12:30)

a prior driver ... In a nutshell, he's fighting city hall all the way to federal court... Judge put capias out on him & he was arrested and refused bond.

(SALVATO, CARTER, 1/14/99 12:28)

his right to continue the appeals process. He subsequently has filed a suit in federal court against the city, county (muni court/sheriff's department which handles jail & which also kept a warrant indicator on taxi cab he drives (warrant was on

(SALVATO, CARTER, 1/14/99 12:26)

what's the story? Tell me in 2 sentences.

(SALVATO, 1/14/99 12:26)

muni court judge filed a warrant for his arrest alleging he had neither paid the fine nor shown up for court. Turns out he wasn't supposed to do either since muni no longer had jurisdiction. He ultimately was locked up 14 hours circumventing

(SALVATO, CARTER, 1/14/99 12:25)

You were aware I was working on a story because you came and asked me about the photo assignment of him. Philipps also has a summary of the guy's allegations. Essentially while trying to fight a speeding ticket (he was appealing it), Hamilton County

(SALVATO, CARTER, 1/14/99 12:24)

I need detailed note about this taxi driver. I was not aware you were working on a story about him. I need more advanced notice, so we can plan accordingly. Send me note in next few mins so I can talk about it at 12:30 meeting.

(SALVATO, 1/14/99 12:23)

x

(SALVATO, 1/14/99 12:16)

she remains in serious condition.

(SALVATO, CARTER, 1/14/99 12:16)

pls check condition of holly ann mackey at Children's Hospital in Dayton.

(SALVATO, 1/14/99 12:16)

FYI * Natl Weather Service now says up to an inch total accumulation of snow. NOT 2 inches...

(SALVATO, CARTER, 1/14/99 11:55)

FYI * New Richmond Fox not in their station; called twice & no one picked up; Phoned county dispatch & was told nobody in the station.

(SALVATO, CARTER, 1/14/99 11:52)

carmen:

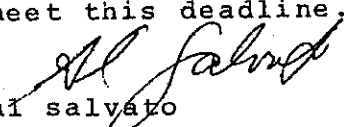
I cannot emphasize enough the importance of being at work on time.

I reminded you last Friday about not being late and how being late slows down our first edition. I believed that you would be to work on time today but that was not the case.

By being late this a.m., you got a late start on the work I gave you and the raceart came in as the last transmission. You should understand that copy you turn in late creates problems across the board.

I have spoken to Mike about this and he has a note on it.

So let me repeat myself: You must be at work at 6 a.m. and be ready to work. I need for you to work quickly and meet all copy deadlines. The metro copy deadline for reporters' stories is 7:30 a.m. You must meet this deadline.


al salvato

5/13/99

cc: Mike Philipps

Message list for CARTER 9/17/99 14:04:37

hahahaha, that sounds cute. I'll rent that one sometime. I've got to run down to the bank and grab a bite to eat before I pass out. I'll get back to you.
(NIKI, 9/17/99 13:35)

she gets something different from each one. Needless to say, they all want her to drop the other two pursuers...
(NIKI, CARTER, 9/17/99 13:32)

It has got to be one of the most hysterical films I've ever seen & particularly considering a man did it. This is the kind of film you'd expect of a feminist film maker. It's about a woman who sleeps with 3 different men on a regular basis because
(NIKI, CARTER, 9/17/99 13:31)

no, is it good?
(NIKI, 9/17/99 13:30)

Only in body. What's up?
(NIKI, 9/17/99 13:30)

Have you ever seen Spike Lee's "She's Gotta Have It"?
(NIKI, CARTER, 9/17/99 13:30)

you there?
(NIKI, CARTER, 9/17/99 13:29)

Despite Marilyn's scurrilous rumors, I am NOT a Swinger
(CINTI, KPERRY, 9/17/99 11:18)

Anyone lose a cup please contact the desk
(CINTI, ROETTING, 9/17/99 10:48)

I'm looking for a good home (like a new church, nursing or retirement home) for a Kimball Swinger home organ, in excellent shape, but no one to play it anymore. Any ideas?
(CINTI, HUFFMAN, 9/17/99 10:44)

You have got to be kidding...will talk to you later...
(NIKI, CARTER, 9/17/99 8:55)

Yep, this place could be causing it. Hell, don't worry about the personal stuff, as long as you delete those msgs right away.
(NIKI, 9/17/99 8:49)

probably working here. could easily be stress. at one point I was itching all over...but we'll talk later. don't like to put anything too personal on here any more...
(NIKI, CARTER, 9/17/99 8:37)

that's a good idea. What do you think it's caused from?
(NIKI, 9/17/99 8:36)

I hope to find out just as soon as the office opens at 9 a.m.
(NIKI, CARTER, 9/17/99 8:35)

That doesn't sound good. Maybe he's got an associate you could see.
(NIKI, 9/17/99 8:34)

I rather doubt I'll get to see him today, but I'm sure going to try to get in...I've never had any circulation, heart type problems....

pls advise on severed hand story; can you write 8''?
(SALVATO, 9/13/99 10:34)

Of course I'll confirm it with the hospital & the same way I
substantiated the race information & from legitimate sources...
(SALVATO, CARTER, 9/13/99 9:35)

The severed hand story I gave you needs to be confirmed with
Univ Hospital. I'm looking for 6'' story for final.
(SALVATO, 9/13/99 9:34)

It's irrelevant what the Enquirer has on anything. I DO NOT
CONSIDER THEM A LEGITIMATE SOURCE. Not only did you tell me to
use the Enquirer & handing me the Enquirer and telling me it
has some information on it is an innuendo I'm to use it as well.
(SALVATO, CARTER, 9/13/99 9:33)

Also, if you have something to say to me about this, stop by
metro desk and you, Mike Philipps and I can discuss..
(SALVATO, 9/13/99 9:32)

To get to the more important matter, you must be at work on
time. If you have a problem, call me.
(SALVATO, 9/13/99 9:31)

I never told you to use the Enquirer material. I said the
Enquirer also had something on it. I told you the number of
people at event since I was there. I also went out of my way to
give you info on the race for your artline.
(SALVATO, 9/13/99 9:30)

substantiate your claims...
(SALVATO, CARTER, 9/13/99 9:28)

once again told me to use Enquirer copy & which I consider
unethical & it took time to find a legitimate source, i.e.,
Cincy Post vutext and the local website for the 'race for the
cure'...Deliberately implying false information does not
(SALVATO, CARTER, 9/13/99 9:26)

Per your photocopied note & #1 what note are you referring to
when you say "Mike has a note on it" & the note you just
handed me? Per the raceart & it was handed to me after 7 a.m.
& which had no impact on my arrival. In addition, since you
(SALVATO, CARTER, 9/13/99 9:27)

FYI & am off phone...
(SALVATO, CARTER, 9/13/99 9:10)

FYI & this year's participation in the race was 11,000!
(SALVATO, CARTER, 9/13/99 7:48)

soon.
(SALVATO, CARTER, 9/13/99 7:36)

close on artline?
(SALVATO, 9/13/99 7:36)

see Irbike13, needs condition check.
(SALVATO, 9/13/99 6:07)

see rage13, need more details and update on
condition of injured.
(SALVATO, 9/13/99 6:05)

BAKER
&
HOSTETLER LLP
COUNSELLORS AT LAW

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Writers Direct Dial: (513) 929-3411

E-MAIL: jvanway@bakerlaw.com

February 13, 2003

Ms. Carmen Carter
2450 Grandview Avenue
Cincinnati, Ohio 45206

Re: *Carmen Carter v. The E. W. Scripps Company*
Case No. C-1-00-739

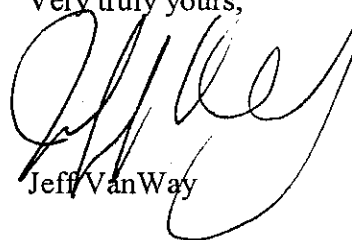
Dear Ms. Carter:

Enclosed please find Defendant's Second Supplemental Answers and Objections to Plaintiff's First Set of Interrogatories. After receiving your most recent Motion to Compel, wherein you questioned the validity of the amounts disclosed by Defendant in response to Interrogatory 4a., Scripps officials again conducted a diligent search of their records for information regarding every payment issued by Scripps or its entities to NKU or Chase College of Law from 1991 - 2002. This search confirmed the amounts previously disclosed, and also revealed a few additional payments that were made. While it is not clear whether all of these payments fit within the definition of "gifts, grants, scholarships, or other contributions" contained in Interrogatory 4a., in the spirit of full disclosure and cooperation, these amounts have been included in the amounts disclosed in these Second Supplemental Answers.

You will also note that the amount disclosed for 2002 is significantly more than the amount previously disclosed. The reason for this is that Scripps made contributions to NKU's capital campaign after the date of Defendant's previous disclosures. While amounts contributed after the date of the Arbitrator's Award (May 2000) are not relevant to the issue of whether the Arbitrator was biased at the time of his Award, again, in the spirit of full disclosure and cooperation, Defendant has disclosed these amounts.

Please let me know if you have any questions or comments regarding this matter.

Very truly yours,



Jeff VanWay

cc: David G. Holcombe, Esq.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CARMEN CARTER,	:	Case No. C-1-00-739
Plaintiff,	:	(Judge Spiegel)
vs.	:	
THE E. W. SCRIPPS COMPANY,	:	
PUBLISHER OF THE CINCINNATI POST	:	
AND THE KENTUCKY POST	:	
Defendant	:	

**DEFENDANT E.W. SCRIPPS COMPANY'S
SECOND SUPPLEMENTAL ANSWERS AND OBJECTIONS
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant E.W. Scripps Company as publisher of The Cincinnati Post and The Kentucky Post ("The Post") hereby presents its Supplemental Answers and Objections to Plaintiff's First Set of Interrogatories and Request for Production of Documents.

INTERROGATORIES

- 4a. Please identify by date, amount, and name of donor the amounts of any gifts, grants, scholarships, or other contributions given by E.W. Scripps, its subsidiaries, and other owned businesses, including the Cincinnati and Kentucky Post, to Northern Kentucky University or Chase College of Law.

OBJECTION

Defendant objects to this request because it is overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that this request is overbroad because it does not contain any timeframe, and because it requests information regarding gifts, grants, scholarships, or other contributions which were made after Arbitrator Goggin's May 13, 2000 award.

PARTIAL RESPONSE

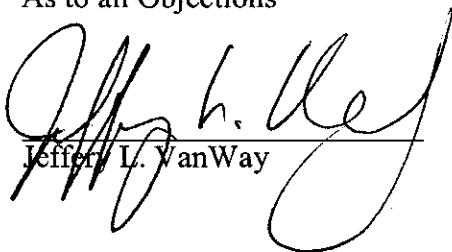
Subject to and without waiving the foregoing objection, and in the spirit of cooperation, Defendant that The E.W. Scripps Co., its subsidiaries, and other owned businesses, including the Cincinnati and Kentucky Post has made the following gifts, grants, scholarships, contributions, or other payments to the Northern Kentucky University Foundation, Northern Kentucky University, or Chase College of Law from 1991 to present:

<u>Year</u>	<u>Amount</u>
2002	102,605.50
2001	9,110.05

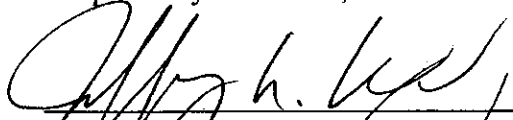
2000	15,449.65
1999	8,239.11
1998	7,608.60
1997	8,242.00
1996	13,274.25
1995	9,172.60
1994	25,700.00
1993	32,425.00
1992	1,425.00
1991	1,250.00

Defendant also states that the total amount of gifts made by the E.W. Scripps Company to all recipients over this same time period was approximately \$50,000,000, of which approximately \$25,000,000 was given to schools, colleges, or universities.

As to all Objections


Jeffery L. VanWay

Respectfully submitted,


David G. Holcombe (0025768)
Jeffery L. VanWay (0069175)
BAKER & HOSTETLER LLP
312 Walnut Street, Suite 2650
Cincinnati, Ohio 45202-4038
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Attorneys for Defendant,
The E. W. Scripps Company, Publisher of
The Cincinnati Post and The Kentucky Post

KENTUCKY

THURSDAY, MARCH 6, 2003

THE POST

2K

Scripps donates to NKU center

\$750K gift to aid outreach project

By Kevin Eigelbach
Post staff reporter

A large donation from a corporate friend will help establish Northern Kentucky University's new community outreach organization.

The \$750,000 gift to the Scripps Howard Center for Civic Engagement combined an outright grant from the Scripps Howard Foundation, donations from executives and other employees of the E.W. Scripps Co. and matching grants from the foundation. The gift was announced Wednesday at the Metropolitan Club in Covington.

NKU will combine the \$750,000 and a matching \$750,000 grant from the state of Kentucky to create an endowment

for the new Scripps center, an umbrella organization for the university's outreach programs.

The \$1.5 million endowment will earn about \$75,000 a year, which the university will add to the center's \$450,000 annual operating budget, NKU President Jim Votruba said.

"This will augment it, and ratchet it up," Votruba said.

The company decided to make the donation because it has a huge presence in the region, foundation President and CEO Judy Clabes said. The company's headquarters is in Cincinnati, and it owns The Kentucky Post, The Cincinnati Post and WCPO-TV.

"We give back to the communities where the company makes its money," said Clabes, a former editor of The Ken-



Judy Clabes

"We give back to communities where the company makes its money."

— Scripps Howard Foundation President and CEO Judy Clabes



James Votruba

know, it's the first of its kind in the nation," he said.

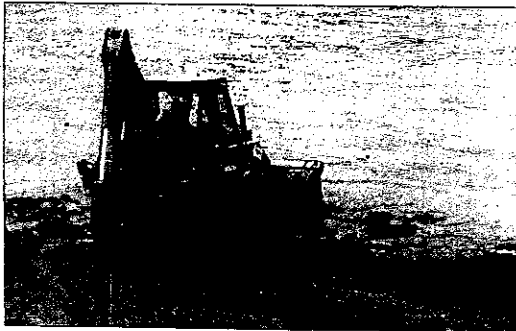
The center will run the University-Community Partnership program, which uses NKU money, faculty, staff and students to help local groups. It will also run the Mayerson Student Philanthropy program, in which NKU students decide

which local nonprofits get money from the Mayerson Foundation of Cincinnati.

NKU also wants the center to run other projects that encourage students to get involved with their community.

"There's a powerful covenant between this university and the community," Votruba said, noting that 80 percent of the students come from this region, and 94 percent of the alumni live here.

The Big Cleanup



Panel to hear drug charges

By Shelly Whitehead
Post staff reporter

The case against six people accused of operating what police say was a "complex" drug trafficking operation in West Covington was sent to a Kenton County grand jury Wednesday.

Ludlow police arrested the six young adults two weeks ago after executing a search warrant on the house they rented in the 300 block of View Street in West Covington. Working in conjunction with Covington Police and the Kenton County Sheriff's Department, Ludlow police reported seizing marijuana, cocaine, a loaded gun, money, scales, drug packaging materials and some merchandise police said was stolen.

Ludlow Police Chief Ray Murphy said although the six View Street residents were relatively small-time, street-level drug traffickers, they managed what he termed a "quite complex" operation. He said police were able to charge them with engaging in organized crime because investigators believe all six residents were involved in the drug-selling venture.

"For organized crime, under (Kentucky statute) you have to have five or more people involved," Murphy said. "I think we can show in court how their operation worked."



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Employee Programs

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**William R. Burleigh
Award**

Matching Gift Program

**National Merit
Scholarship Program**

**Volunteer
Grant Program**

Matching Gift Program

Since 1988, the Scripps Howard Foundation has encouraged employees and retirees of The E.W. Scripps Company to support educational institutions of their choice by matching their monetary gift.

The program doubles the personal contributions Scripps employees and retirees make dollar for dollar, up to \$3,000 a year.

In 2003, the program expanded to match contributions to literacy organizations and community foundations.

To participate, pick up a Matching Gift form from your human resources representative, download the [Matching Gift form](#) in pdf format from this site or call the Scripps Howard Foundation at (513) 977-3035 to request a form.



This site uses Adobe Acrobat PDF files. To view and print these documents you need Acrobat Reader. [Download](#) it free from Adobe.

HIGHLIGHTS

- [A Matching Gift That Makes The Difference](#)
- [2002 Matching Gift Recipients](#)
- [Comments from Scripps employees about the Matching Gift Program](#)

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**William R. Burleigh
Award**

Matching Gift Program

**National Merit
Scholarship Program**

**Volunteer
Grant Program**

2002 Matching Gift Recipients

Abilene Christian University
Alabama School of Fine Arts
Albertus Magnus High School
Albion College
Allegheny College
Alma College
American Indian College Fund
Aransas County Independent School District
Athenaeum of Ohio
Barnard College
Baylor University
Bellarmine University
Berkeley Preparatory School
Bishop Brossart High School
Bond Hill Academy
Boston College
Brescia University
Brother Rice High School
California Polytechnic State University
Calvin College
Case Western Reserve University
Cathedral High School
Central Michigan University
Christian Brothers University
Cincinnati Bible College and Seminary
Cincinnati Christian Schools
Cincinnati Country Day School
Claremont McKenna College
Clemson University
Coe College
College of Charleston
Community College Foundation of Owensboro
Corryville Catholic School
Covington Catholic High School
Covington Latin School
Dartmouth College
Denison University
Denver School of the Arts
DeSales High School
East Carolina University
East High School
Eastern Kentucky University
Elder High School
Elizabethtown College
Emerson College
Emmanuel College
Emory University
Evangel University

Evans Scholars Foundation
Father Ryan High School
Florida Atlantic University
Florida State University
Fork Union Military Academy
Fort Craig Elementary School
Franklin College
Gilman School
Grassland Elementary School
Guardian Angels School
Hampton University
Harvard Club of New York
Harvard University
Hewitt-Trussville Middle School
Hillsborough Education Foundation
Holy Cross School
Holy Family Catholic School
Holy Trinity School
Hutchison School
Immaculate Conception High School
Immaculate Conception Seminary
Indiana University
Jesuit High School
John Carroll Catholic High School
John Carroll University
Kent State University
Kenyon College
Knox College
Knoxville Catholic High School
Kutztown University
Lafayette College
Lehigh University
Linfield College
Loyola College in Maryland
Loyola Marymount University
Magnificat High School
Mariemont School
Marietta College
Marquette University
Marquette University High School
Mary Washington College
Maryville College
Mater Dei High School
Mayo Foundation
McAuley High School
McNicholas High School
Memphis University School
Metropolitan State College of Denver
Miami University
Michigan State University
Midwestern State University
Mississippi School for Mathematics and Science
Mississippi State University
Montclair Cooperative School
Mount Saint Joseph High School
Murray State University
Nardin Academy
New Mexico State University
New York University

Newport Central Catholic High School
North Carolina State University
Northeastern University
Northern Kentucky University
Northwest Missouri State University
Northwestern University
Norwood City School District
Notre Dame Academy
Occidental College
The Ohio State University
Ohio Wesleyan University
Oklahoma Christian University
Our Lady of Grace School
Our Lady of the Elms
Owensboro Catholic High School
Oyler Elementary School
Parham Elementary School
Penland School of Crafts
The Pennsylvania State University
Phillips Academy
Phillips Exeter Academy
Pittsburg State University
Posey County Community Foundation
Presbyterian School
Princeton University
Providence College
Public Academy for Performing Arts
Purdue University
Quincy Notre Dame High School
Reed College
Rhode Island School of Design
Rhodes College
Ripon College
Rockhurst University
Rollins College
Sacred Heart Cathedral School
Saint Mary's College
Saint Mary's School
Saint Peter's College
The San Diego Foundation
Sarah Lawrence College
Schoolcraft College
Sequoiah School
Simmons College
Slavens Elementary
South Kent School
Southern Perry County Academic Endowment Fund
St. Ambrose University
St. Anne's Episcopal School
St. Benedict School
St. Bernard School
St. Edward High School
St. George's School
St. Henry District High School
St. John LaLande School
St. John's Jesuit High School
St. Jude the Apostle School
St. Jude School
St. Lawrence School

St. Mary Catholic Central High School
St. Mary's Education Fund
St. Mary's Episcopal School
St. Rita School for the Deaf
St. Teresa of Avila School
St. Teresa's Academy
St. Ursula Academy
St. Ursula Villa
St. Xavier High School
Stanford University
Summit Country Day School
Syracuse University
The Taft School
Tamassee D.A.R. School
Temple University
Texas A&M University-Corpus Christi
Texas Christian University
Thomas More College
Tilton School
Transylvania University
Trinity College
Tulane University
United States Military Academy
The University of Alabama at Birmingham
The University of Alabama, Tuscaloosa
University of Baltimore
University of California, Berkeley
University of California-Los Angeles
University of Cincinnati
University of Colorado
University of Dayton
University of Denver
University of Evansville
University of Florida
University of Illinois
University of Kansas
University of Memphis
University of Miami
University of Michigan
University of Missouri-Columbia
University of New Mexico
University of North Carolina at Chapel Hill
University of North Texas
University of Northern Colorado
University of Notre Dame
University of Pittsburgh
University of Rochester
University of San Diego
The University of Scranton
University of South Carolina
University of Southern California
University of Southern Indiana
University of Southern Mississippi
The University of Tennessee
The University of Texas at Austin
The University of Texas at El Paso
University of Utah
University of Virginia
University of Wisconsin-Eau Claire

Vanderbilt University
Vassar College
Virginia Intermont College
Visitation School
Washington and Lee University
Washington State University
Washington University
Wayne State University
Wesleyan University
Western Kentucky University
William Tyndale College
Williams College
Winona State University
Winthrop University
Wittenberg University
Xavier University
Yale University

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARMEN CARTER

Plaintiff

Case Number: C-1-00-739

Judge S. Arthur Spiegel

VS

THE E. W. SCRIPPS COMPANY

Defendant

AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED

IN FORMA PAUPERIS

I, Carmen Carter, being first duly sworn, depose and say that I am the Plaintiff in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, costs or give security therefore, I state that because of my indigence I am unable to pay the costs of said proceeding or to give security therefore; that I believe I am entitled to redress; and that the issues I wish to present are the following:

- (1) All Orders the Court granted the Defendant because the Plaintiff was incapable of responding are based on deliberately false or misleading information from the Defendant
- (2) Vacatur of above mentioned Court Orders pursuant to Federal Rules of Civil Procedure 60(b)(1).
- (3) The Defendant not only has a pattern of discriminatory and disparate practices towards female and/or African-American employees—management indulging in such conduct is promoted.

(4) The Plaintiff experienced disparate discipline in the employ of the Defendant.

(5) The Defendant violated federal employment discrimination laws.

(6) The Defendant elicited a paper trail campaign to terminate the Plaintiff's employment.

I further swear that the statements made below relative to my ability to pay the cost of prosecuting the subject case are true:

1. I am not employed. I last worked for the United States Postal Service between July and October 2003 at \$10 per hour for \$400 per week before taxes.
2. I have not been self employed in the last 12 months, nor have I received income in interest or dividends. Intermittently between January and June I had assignments through the temporary secretarial agency Tempo Help Inc. (Chillicothe, OH) at an hourly rate ranging between \$10 to \$13 depending on the assignment. An assignment could be a few weeks or considered an indefinite assignment.
3. I do not have a checking or savings account.
4. I do not own any real estate, stocks, bonds or notes. I own a 1991 Mercury Topaz. The 1995 Chevy my church gave me in January, has been sold. Approximately \$2,000 remains and the church is paying my monthly rent with the remains.
5. I receive \$141 in Food Stamps monthly from Ohio Jobs and Family Services.
6. I have no dependents.
7. Early in 2003, I was evicted from the two-story townhouse, which had been my home for 12 years. I subsequently moved to a one-bedroom apartment. A series of documents relevant to this case were lost in the course of moving. The Plaintiff has been plagued by underemployment and unemployment, as well as the difficulty of managing this case and its sibling (C-1-00-977). I had just started an assignment with the U.S. Postal Service, when my father died in July. Since then, the symptoms of clinical depression have been exacerbated and I have filed application for Social Security Disability and SSI.
8. Reisenfeld & Associates required a \$20,000 retainer.
9. Sharon Zealey of Blank Rome LLP, explained I couldn't afford them (quoted a \$400/hour tab) and referred me to William Bell.
10. William D.Bell Sr. required a \$12,000 retainer to handle this and the twin case C-1-00-977.

11. Robin Jarvis required a retainer of \$7,000-\$8,000.
12. Megan Clark of Freking & Betz was prepared to contract to examine documents in the case for \$1,000, plus expenses (maintaining a credit balance equal to the retainer). As I was unable to raise the initial \$1,000, there was no discussion of Freking & Betz taking the cases.
13. David Stenson of Dayton, OH, required a \$1,500 retainer.
14. As a one-time member of Pre-Paid Legal Services, Inc. of Ada, Oklahoma, the Plaintiff was quoted a \$5,000 retainer to initiate litigation, since their service is purportedly to shield members from litigation.
15. Ulmer & Berne, as well as Laufman & Gerhardstein both had conflicts of interest.

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

Carmen Carter

Carmen Carter



SUBSCRIBED AND SWORN TO before me this 6th day of May 2004.

GITESH VACHNANI
Notary Public, State of Ohio
My Commission Expires
July 30, 2008

G. Vachnani

Let the applicant proceed without prepayment of costs or fees or the necessity of giving security therefore.